

Practitioner's Docket No. HIT1P020A/SJO920010068US2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WERNER

Application No.: 10/601,021

Group No.: 3729

Filed: June 19, 2003

Examiner: KIM, Paul D.

For: PLANAR GAP PRE-FILL METHOD FOR READ HEADS (AS AMENDED)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)

## PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention of this application in the United States at a date prior to Oct. 6, 1999, that is the effective date of the prior art publication that was cited by the Examiner.
2. The persons making this declaration are the inventors.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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## TRANSMISSION

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571-273-8300

Signature

Date: 5/5/2006

April Skarmann  
(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—  
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### FACTS AND DOCUMENTARY EVIDENCE

3. As evidence of the date of conception of the invention of this application, the following attached documents and/or models are submitted as evidence:

STATEMENT: I hereby state that conception of the invention in the above-identified patent application was made prior to Oct. 6, 1999, as supported by Exhibit A. Exhibit A, dated January 18, 1999, shows a copy of the disclosure submitted by me, the inventor. I state that the concepts and features described in Exhibit A were conceived by me prior to January 18, 1999.

EXHIBIT A: copy of an invention disclosure printed January 18, 1999.

Exhibit A demonstrates that the subject matter of claims 9-20, 23, 24, 27-29, 32, 33 and 36-38 were in the inventor's possession at least as early as January 18, 1999.

Regarding claim 9, all claim elements are disclosed in section 2 of the "Idea of disclosure" section of Exhibit A. Figure 2 of Exhibit A illustrates a head constructed by the method of claim 9. Viewing Figure 2 in conjunction with the disclosure in the "Idea of disclosure" section of Exhibit A also evidences the presence of all claim limitations.

The limitations of claims 10-12 are shown in Figure 2 of Exhibit A.

The limitations of claim 13 are disclosed in paragraph 2 of the "Idea of disclosure" section of Exhibit A.

Regarding claim 20, all claim elements are disclosed in section 2 of the "Idea of disclosure" section of Exhibit A. Figure 2 of Exhibit A illustrates a head constructed by the method of claim 20. Viewing Figure 2 in conjunction with the disclosure in the "Idea of disclosure" section of Exhibit A also evidences the presence of all claim limitations.

The chemical mechanical polishing limitation of claims 23 and 32 is disclosed in paragraph 2 of Exhibit A, while the "substantially level" limitation is shown in Figure 2 of Exhibit A.

The limitations of claims 24 and 33 are inherently disclosed in lines 6-11 of paragraph 2 of the "Idea of disclosure" section of Exhibit A in conjunction with Figures 2 and 3 as discussed in that section.

The limitations of claims 27 and 36 are shown in Figure 2 of Exhibit A.

Regarding claims 28, 29, 37 and 38, paragraph 1 of the "Idea of disclosure" section of Exhibit A indicates that the process disclosed may avoid the detrimental ramifications of reflective notching or the swing curve effect.

From these Exhibits and statement, it can be seen that the invention claimed in the noted claims was made prior to Oct. 6, 1999.

### DILIGENCE

4. It is hereby declared that Applicants acted diligently up to reduction of practice or the filing date of the present patent application.

### TIME OF PRESENTATION OF THE DECLARATION

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5. This declaration is submitted prior to final rejection, or with a first or supplementary first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09(c).

### DECLARATION

6. As a person signing below:

I hereby declare that the documents attached hereto disclose the subject matter of currently pending claims 9-20, 23, 24, 27-29, 32, 33 and 36-38 of the subject patent application. I also declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Typewritten Full Name of

Sole or First Inventor:

Douglas Werner

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Inventor's signature:



Date of Signature:

5-1-06

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